



# Office for Civil Rights and Civil Liberties

## Summary of CRCL's Recommendations and ICE's Response *Erroneous Removal*

On March 23, 2023, U.S. Immigration and Customs Enforcement (ICE) responded to a *Recommendation Memorandum* issued in June 2022 by the Office for Civil Rights and Civil Liberties (CRCL) about the erroneous removal of a Guatemalan national previously in ICE detention. ICE concurred with two recommendations and partially concurred with two others.

### Background

In October 2020, CRCL opened a complaint alleging that ICE removed a Guatemalan national, who was detained at River Correctional Facility in Louisiana, to his country of origin before a final removal order was issued by an immigration judge.

### Investigation

CRCL interviewed headquarters staff at the ICE Office of the Principal Legal Advisor and reviewed relevant email correspondence and ICE policies and procedures, including memoranda on returning certain lawfully removed noncitizens. CRCL found that ICE improperly removed the individual prior to his immigration court hearing. CRCL also found that ICE lacks a clear process for individuals erroneously removed to seek redress and that ICE does not track the number of individuals erroneously removed from the United States.

### Recommendations

On June 9, 2022, CRCL sent ICE a *Recommendation Memorandum* with four recommendations regarding erroneously removed individuals. On March 23, 2023, ICE concurred with two recommendations and partially concurred with two.

ICE agreed to provide a refresher training on case management, processing, and removal for all ICE officers upon deployment to the field; to begin tracking erroneous removals; and to provide the affected individual's attorney with paperwork and guidance on requesting significant public benefit parole for his client.

*CRCL provides the public with documents related to complaint investigations. After it has been prepared and reviewed, CRCL will post a redacted version of this Recommendation Memorandum on our [website](#) that will contain additional information about the complaint investigation and CRCL's findings and recommendations.*

June 20, 2023